

Mr McKee,
General Manager,
Ku-ring-gai Council,
Locked Bag 1006,
GORDON NSW 2088

5 November 2021

Dear Mr McKee,

RE: S13471 Planning Proposal 4 Pennant Avenue, Gordon

Having reviewed the documents available and from discussions with residents, we do not believe it is in the best interests of the Gordon community or Ku-ring-gai to lose this community land to residential development.

FOKE objects to the Planning Proposal to rezone 4 Pennant Avenue Gordon (the site) from RE1 Public Recreation to R2 Low Density Residential, specifically, given council's intention to subsequently apply for R3 Medium Density Residential.

Overall, we disagree with most of the conclusions made by BBC Consulting Planners, and believe their recommendations have been made with an end-result of residential development from the outset.

Briefly, the site should be retained as a recreational area as:

- There are no parks in the west Gordon local neighbourhood. The Greengate pocket park is 1.4 kms away, crossing the Pacific Highway, not 500 metres as stated in the report.
- The site is floodprone, classified as Riparian land, and will require significant drainage work for any residential development, consequently significantly reducing the potential development area by over a third.
- The area will require soil remediation work to address health impacts from contaminants in order to allow residential development
- The area is mapped as containing areas of Biodiversity significance
- The site is bordered on 2 sides by Heritage Conservation Areas with DCP required height and setback restrictions
- The surrounding area has been identified in council's Open Space Acquisition Program as an area of high population density and a low number of public open space.

On every good planning metric this site should be retained as community recreational land.

Context

The area being considered is significant in size at 1.12ha. One very small section of the original site is to be retained as a public reserve, retaining its RE1 Public Recreational zoning, due to the significant remnant canopy of the Sydney Turpentine Ironbark Forest.

It is an enclosed area accessed via Pennant Avenue.

The comment within the BBC Consultants Planning Proposal that ' The existing area is currently well served by existing parks and open space areas, including Greengate Park (approx.500m)' is blatantly incorrect.

- Greengate park is 1.4km away, in Killara not Gordon, requiring the crossing of the Pacific Highway
- Greengate park is a pocket park and playground, approximately 1/5 the size of the current Bowling site.
- If one lives to the west or north of Pennant Avenue site, this distance is even greater.
- There are no other open spaces in the close vicinity except for the Golf Course, which in itself is not a publicly accessible space. The current Golf Course lease extends to 2028 with a history of lease extensions. Any future use of the golf course site would undoubtedly be for residential development with an indeterminate amount of recreational or open space. This cannot be relied upon where a suitable park area remains available within 10 minutes of high density residential along the Pacific Highway.
- The bowling site remains a flat and accessible site for all, allowing for multiple uses by residents.
- **The large area bounded by the Pacific Highway, Ryde Road, Lady Game Drive and Fiddens Wharf road has no parks, aside from the small wooded Ticket of Leave Reserve.**

This is reflected in the Open Spaces Acquisition Program map where 4 Pennant Ave falls within the highest priority area in the council area, that is the red zone, which is allocated to areas of highest population density and lowest number of available public open space. This further emphasizes the importance of retaining this area as open space for the amenity of surrounding residents.



Site Complexities

There are two key issues regarding the suitability of this site for use as either R2 or seniors residential, as was modelled in the proposal documents. No R3 modelling was undertaken.

Flooding:

- As cited in the BBC document, the site is within the Falls Creek catchment, which is part of the wider Blackbutt Creek catchment. Existing flood modelling completed as part of the Blackbutt Creek Flood Study (Jacobs 2014) and the subsequent Blackbutt Creek Floodplain Risk Management Study (GHD 2018) identified parts of the site being subject to overland flooding.
- The existing site is considered to primarily be a flood storage area, with the bowling greens providing most of the flood storage volume. The remainder of the site is considered as flood fringe.

- A Flood Impact Assessment was prepared for the site in order to address the existing overland flood risk, and potential for any proposed redevelopment to adversely impact existing flooding across neighbouring properties.
- The Flood Impact Assessment, conducted by Catchment Simulation Solutions, is based on a range of assumptions which remain a concern as no modelling has been conducted for increased volume of water based on climate change predictions of increased storm surges.
- Although not part of the development site, and not the focus of this study, Catchment Simulation Solutions noted that the potential exists for peak flood velocity depth 'across Pennant Avenue downstream of the site can exceed 0.4m²/s in very large floods which may pose a hazard to pedestrians and vehicles if traversing this area to gain access to/from the site at the peak of a flood.'
- **Conclusion:**
 - Essentially one third of the site will require flood storage tanks to be built under the central area of the site and this area will not be available to be built upon.
 - Development on the remaining site has the potential to increase the flood risk along the existing fringe dwellings and Pennant Ave.
 - No modelling has been done to address increased flooding from climate change.

Contamination

- Appendix 3 and 4 relate the contamination investigations of the site. There are 'a number of areas of environmental concern from past activities, including uncontrolled demolition, uncontrolled filling, application of herbicides/pesticides and chemical storage.'
- These concerns relate to asbestos and other contaminants that are a health issue.
- Further contaminants not able to be assessed exist in the footprint of the former buildings that will require further investigation and potential for remediation.
- **Conclusion:**
 - Further investigations need to be undertaken and costly remediation processes undertaken prior to allowing any form of residential habitation.

Housing Strategy – Gordon Master plan

The letter from the Department of Planning, Industry and the Environment to Mr McKee, dated 16th July 2021, recommends that Council prepare a Master plan for Gordon for the delivery of housing over the medium term.

The BBC Planners comment is incorrect that 'The loss of this site as open space will not have significant wider consequences noting that there are no significant increases in population or density planned for the immediate surrounding area.' Additional housing under the Gordon Masterplan will necessitate greater open space. The Gordon shops are a 10 minute walk from the site, with the Pacific Highway the likely area for additional housing.

We re-iterate that the much wider area bordered by the Pacific Highway, Ryde Road and Fiddens Wharf Road does not currently offer any large public open space suitable for recreation.

Ku-ring-gai Acquisition and Divestment Strategy

Council states it is committed to providing additional open space throughout Ku-ring-gai, however it persists in removing and rezoning already owned significant recreational space and focuses its acquisition on pocket parks with limited use except for a children's playground.

Council's Acquisition and Divestment Policy shows an absence of foresight and planning for the future of the Gordon area and Ku-ring-gai community if it allows the loss of this suitable, flat and

accessible land on the west side of the Pacific Highway. With the undulating topography further west there remain few alternatives for such a recreational space to be duplicated.

Ku-ring-gai council has a stated shortage of open space and land for sporting and recreational facilities. To dispose of over 1.12ha of council owned land to provide facilities in other town centres is short-sighted.

It is submitted that retaining the site for open space and recreational activity will deliver social benefits that outweigh its sale. Retaining the site for open space is consistent with the North District Plan priority to deliver high quality open space.

Planning Priority N20 – Delivering high quality open space

This planning priority outlines the key considerations for planning for open space, which includes quality, quantity and distribution, and the need to provide for open space areas for recreation, sport and social activity is important to support healthy and active lifestyles.

Open space and sporting facilities needs

The importance and value of open space on the community's health and mental well being was confirmed in the latest pandemic by health professionals and politicians. Minister Rob Stokes, NSW Planning & Public Spaces stated:

“During the coronavirus pandemic, in a time when we experienced restriction on movement and everyday activities, collectively we all understood the importance of our favourite open space or park and the importance of these places to connect communities and provide places for people to rest, relax, exercise, gather or be on their own. “ *A 50-year Vision for Greater Sydney's Open Space and Parklands*

Currently Council is only at 50% of its Open Space targets set in 2019. One of its key obstacles is the cost of acquiring land in Ku-ring-gai. This site provides an excellent asset already owned by Council that can be upgraded to better meet the current and future needs of the local community, rather than being divested for development.

Biodiversity Significance

The site contains remnant components of the critically endangered ecological community (CEEC) blue gum high forest (BGHF). The remnant trees are located on the boundary of the site. Any future development would be required to be designed and sited to avoid impacts to this CEEC. Construction would also be required to protect the trees and comply with AS4970-2009 Protection of trees on development sites and the relevant provisions of the Ku-ring-gai Development Control Plan and Local Environmental Plan.

There are numerous turpentine-Ironbark trees in the area. Sydney Turpentine-Ironbark Forest is listed as an Endangered Ecological Community under the NSW Biodiversity Conservation Act 2016 and as a Critically Endangered Ecological Community under the Commonwealth EPBC Act. As such the site is highly significant from an ecological perspective. Converting the land to a park would be the most appropriate way to restore, preserve and increase the size of the remnant canopy in the area and would be consistent with the objectives of the council approved Urban Forest Policy 2020.

By comparison, R2 or R3 development would constrain the forest and would not be expected to flourish in the restricted footprint suggested in the proposal.

Bordering Heritage Conservation Areas

The site is bordered on two side by the Smith Grant Heritage Conservation Area and the Yarabath Avenue Heritage Conservation Area (HCA).

It is clear from the abundance of Heritage Conservation Areas and items that the area is one of cultural significance, contradicting the report by BBC Planners. The requirements of any

development in the close proximity to that of an HCA are that there will need to be a scaled and sympathetic approach. This has not been commented on in the proposal, nor the need for a Heritage Impact Statement as required under Council's Development Control Plan.

Development Control Plan 19F states that 'all development in the vicinity of a Heritage Item or HCA is to include a Heritage Impact Statement (HIS). The HIS is to address the effect of the proposed development on a Heritage Item or HCA and demonstrate that the proposed works will not adversely impact upon significance, including any related heritage features within the identified curtilage and setting.'

'In addition to the side and rear setback controls in Section A of this DCP, new development adjacent to a Heritage Item or building within an HCA, is to comply with the following:

- i) adjacent developments are to have a minimum 12m building separation to the Heritage Item or building in the HCA (more if setback requirements are not met within the 12m);
- ii) adjacent development is to not exceed a facade height of 8m from existing ground level, including balustrades;
- iii) adjacent development with a building mass above 8m high from existing ground level is to be stepped back an additional 6m from the Heritage Item.'

Additionally, the locally hewn sandstone walls that surround part of the bowling green have been ignored in the councils commissioned heritage report and are likely to be lost in any development.

R3 zoning

It is somewhat duplicitous to put the current Planning Proposal to rezone the site from RE1 to R2 when council's intention is to reapply for upzoning to R3 before disposing of the site.

The Report commissioned by council *Planning Proposal to Rezone and Reclassify Council Owned Land of 4 Pennant Avenue, Gordon, March 2021* by BBC Consulting Planners refers on page 4 to the resolution of council 'that in progressing the planning proposal with the R2 Low Density Residential zone, it will be made clear that Council considers an R3 Medium Density Residential zoning on the site has sufficient justification and strategic merit, and that an R3 zoning would be sought on the site in the future.'

Our objection to the intended R3 zoning is that:

- The introduction of medium density multi dwelling housing in what is largely 'single detached dwellings' in a 'low density residential area with large houses' is inconsistent with the community's desire to preserve the heritage and streetscape of the area
- The site is surrounded by adjoining HCA properties on 2 sides and any R3 development will have negative impacts on the amenity of the adjoining properties and the associated HCA protected areas.
- The rezoning to the intended R3 in an isolated pocket of R2 zoning is inconsistent with council policy planning higher density on main roads or around shopping centres.

CONCLUSION

The site must not be rezoned to R2 but retained for open space and recreational use:

- The site is exceptional in size, topography, and access for recreational use. It sits in a large area of west Gordon with currently no recreational parks.
- It has areas of biodiversity significance and endangered ecological communities.
- It has negatives associated with residential development as a flood-prone site with areas of soil contamination which significantly reduce the ability build on a third of the site.

- It is already an area highlighted in Council's Open Space strategy as requiring more parks.
- It is bounded on two sides by HCAs which would further reduce the area for development under the guidelines of DCP 19. A Heritage Impact statement will be required prior to any proposed development.
- Any residential development, particularly R3 would negatively impact on the adjoining residential properties.
- Gordon is targeted as an area for housing delivery in the medium term under the DPIE's conditions attached to the Ku-ring-gai Housing Strategy. This site is less than 10 minutes from Gordon town centre and as a park will add to the local amenity for existing and future residents of the area. A vital component of sustainable communities is the inclusion of green open space.
- All existing open space that is currently available for recreational purposes should be retained and maintained. Council has only met 50% of its open space targets and it would be short-sighted if this site was not added to the supply of open space for Ku-ring-gai residents. Once these sites are sold, they are lost forever.
- Green open space values are intimately linked with wellbeing and sustainability

Overall, we find the BBC Consulting Planners Report heavily biased towards development. Their arguments are often selective, incorrect or even ludicrous, such as stating 'that the retention of the site for recreation provision may result in negative impacts such as noise, parking, lighting associated with recreation use on re residential amenity of adjoining properties.' The site has been a recreation facility for decades and only surrendered their lease in 2018. Since that time and during Covid, it has been regularly used as parkland and for recreation by residents without complaints arising from neighbours.

Council policy to divest of this council owned site is short sighted. With a 25% increase in population since 2006 and expected increases over the next 10, 20 and more years, this site, close to Gordon town centre, provides an exceptionally large, level area ideal for recreational and sporting use must be retained.

Yours sincerely,

Kathy Cowley
PRESIDENT

cc Mayor and Councillors

cc The Hon Jonathan O'Dea MP Member for Davidson

cc The Hon Alister Henskens SC MP Member for Ku-ring-gai

cc the Hon Paul Fletcher MP Member for Bradfield

cc

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